

DOCKET NO.: UNMC-0032 (63128)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Fox et al.

Confirmation No.: 5547

Application No.: 09/816,785

Group Art Unit: 1632

Filing Date: March 22, 2001

Examiner: Qian J. Li

For: Reversibly Immortalized Hepatocytes And Methods Of Use

Via Hand-Delivery

Commissioner for Patents

2201 South Clark Place

Reception Suite CP4-3C23

Arlington VA 22202

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AUG 11 2003
TECH CENTER 1800/2300
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AUG 07 2003
OFFICE OF PETITIONS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
OFFICE ACTION NOT RECEIVED

1. I hereby petition to withdraw the holding of abandonment in this case on the basis that the Office Action forming the basis of the abandonment was not received.

2. I hereby state:

03/09/2004 CDESSAU 00000005 233050 09816785

01 FC:1460

130.00 DA

a. The Office Action indicated as mailed on **June 21, 2002** was not received.

b. A search of the file jacket and the docket records in my office indicate that this Office Action was not received.

3. As additional evidence of non-receipt of the Office Action I also attach:

a. Redacted copy of the mail log record which discloses receipt of all correspondence received from the PTO on or about the mail date of the non-received Office Action.

b. Copy of Woodcock Washburn LLP internal Docket Process Form

c. Redacted copy of the docket report for the week of September 21, 2002 on which the Office Action would have been entered and appeared had it been received.

d. Declaration of Jacquelyn M. Neuman who is the individual who would have handled and docketed the Office Action had it been received.

e. Declaration of Janet E. Reed, Ph.D., Esq. verifying that the redacted copies of the mail log and docketing report do not contain the alpha code "UNMC-before any numeric code of 0032" which is the alpha/numeric code for the present matter.

REMARKS

Applicants draw the Examiner's attention to the executed declarations identifying the correct correspondence address for the undersigned attorney filed on November 19, 2001 in response to the Notice to File Missing Parts dated May 23, 2001. Applicants also draw the Examiner's attention to an Associate Power of Attorney filed on November 19, 2001, which also identified the correct correspondence address for the undersigned attorney. Applicants assert that these requests were filed with enough time for them to be processed well in advance of the June 21, 2002 Official Action. However, despite both requests to change the correspondence address in the present application, the United States Patent Office continued to forward correspondence to the previous address of record which ultimately caused the abandonment of this application. Applicants respectfully request in consideration of the above-identified evidence, that the holding of abandonment be withdrawn.

6. The petition fee is paid as follows:

- ☐ A check in the amount of \$130.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☒ Please charge Deposit Account No. 23-3050 in the amount of \$130.00. This sheet is attached in duplicate.
- ☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

REQUEST FOR REFUND

As applicants were not aware of the outstanding response due, there is no abandonment in fact. Accordingly, applicants respectfully request that the petition fee of \$130.00 be refunded to Deposit Account 23-3050

Date: August 6, 2003


Janet E. Reed

Registration No. 36,252

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